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5  
6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
8

9 UNITED STATES OF AMERICA, )

10 Plaintiff, )

11 v. )

12 PAUL WHITMORE, )

13 Defendant. )  
14

CASE NO: CRF-02-5301 OWW

**STIPULATION AND ORDER  
TO CONTINUE HEARING ON  
DEFENDANT'S MOTION TO  
VACATE FEDERAL CONVICTION**

15 The parties hereto, by and through their respective attorneys, stipulate and  
16 agree that the hearing scheduled for August 6, 2007 be continued until September  
17 4, 2007 at 9:00 a.m. in the above-entitled court.

18 The parties agree to the following briefing schedule: Defendant Paul  
19 Whitmore shall have until August 10 , 2007 to file any pleading opposing the  
20 government's response to Mr. Whitmore's motion to withdraw his jury trial waiver.  
21 The government shall have until August 30, 2007 to submit any pleading opposing  
22 or responding to Mr. Whitmore's submission.

23 It is agreed that the hearing on Mr. Whitmore's motion, as well as sentencing  
24 in this matter, should the same become necessary, be continued to September 4,  
25 2007.

26 This stipulation is necessitated by the press of business experienced by  
27 defense counsel during the last three weeks.

28 The parties also agree that any delay resulting from this continuance shall

1 be excluded in the interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F),  
2 3161(h)(8)(A) and 3161(h)(8)(B)(I).

3 DATED: July 26, 2007

/s/ David Gappa

DAVID GAPPA

Assistant United States Attorney

**This was agreed to by Mr. Gappa  
via telephone, on July 26, 2007**

7 DATED: July 26, 2007

/s/ Roger K. Litman

ROGER K. LITMAN

Attorney for Defendant

PAUL WHITMORE

11 **ORDER**

12 The court having considered the stipulation of the parties and GOOD CAUSE  
13 APPEARING, the court now orders that the sentencing hearing currently scheduled  
14 for August 6, 2007, be continued to September 4, 2007 at 9:00 a.m.

15  
16 IT IS SO ORDERED.

17 Dated: July 27, 2007

/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE